

Hazardous Waste Rulemaking Stakeholder Meeting – June 14, 2018

ADEQ held a webinar for interested stakeholders on June 14, 2018 to discuss our proposed rulemaking for hazardous waste. The following questions were presented to ADEQ during the webinar. Our responses are provided after each question. General comments made during the meeting are listed at the very end.

Questions:

Question Asked: Is the expectation that these will be adopted by reference? Are you planning on being less or more stringent in any way?

ADEQ Response: Yes, the rules will be adopted by reference. ADEQ will not be more stringent than the federal rule.

Question Asked: The EPA has a website that states that the States will be forced to adopt the more stringent parts of the rule by July 1st, 2018 or July 1st 2019 if the state regulatory process includes a legislative step. What category is AZ in?

ADEQ Response: This question was asked during the portion of the presentation that discussed ADEQ's adoption of the Generator Improvement Rule. ADEQ has received approval from the Governor's Office to proceed with this rulemaking.

Question Asked: What is meant by re-notification for SQG?

ADEQ Response: When the rules were adopted, there was not a specified time frame listed for the re-notification requirements for SQG's (Small Quantity Generators). The Generator Improvement Rule addresses that gap by requiring SQG's to re-notify every four years, using form 8700-12.

Question Asked: If Emergency Preparedness is required at SAA/CAA, does this mean SQGs are in need of a contingency plan or is this only for LQGs?

ADEQ Response: Contingency Plans are only for LQGs.

Question Asked: What would be the effective date of these new requirements under ADEQ?

ADEQ Response: The Arizona rules should be effective during the first or second quarter of 2019. The federal rules are already in effect.

Question Asked: At academic institutions, who would make the waste determinations – Lab personnel or EH&S personnel?

ADEQ Response: This should be determined by the company. Whoever is made responsible needs to show the required training/ knowledge.

Question Asked: If our facility had a hazardous waste audit by ADEQ will we receive a NOV if we don't have the federal rules in place? Is the expectation that these rule changes should be in place?

ADEQ Response: Inspectors have been advised to use enforcement discretion in regards to the federal rules. ADEQ does not enforce more stringently than the rules currently in place in Arizona.

Question Asked: Will ADEQ enforce the new generator rules at the time they go through rule making or are they being enforce now per EPA adoption?

ADEQ Response: Inspectors have been advised to use enforcement discretion in regards to the federal rules. ADEQ does not enforce more stringently than the rules currently in place in Arizona. ADEQ's goal is to work with our stakeholders and customers to understand how these rules will impact them.

Question Asked: Is ADEQ planning on addressing aerosol cans as universal waste during this rulemaking process or pending EPA's proposal to add aerosol cans to the federal program?

ADEQ Response: Aerosol cans as universal waste was not included in this rulemaking since this proposal has not yet been finalized by EPA.

Question Asked: Will Arizona special wastes be subject to e-manifest reporting?

ADEQ Response: Arizona special waste that is generated in Arizona is not subject to e-manifest. However, if the special waste is coming from California or another state where it is considered a hazardous waste, then e-manifest is required.

Question Asked: Will ADEQ require that containers be marked with RCRA waste codes or will ADEQ require a bar code system?

ADEQ Response: You can use either option, as long as it meets the definition of the rule.

Question Asked: As a generator, do we have control over which type of manifest we use?

ADEQ Response: Generators may use which ever form they choose. However, receiving facilities will be the ones that are invoiced based on their submittals to EPA. Please contact your receiving facility and find out what their plans are.

Question Asked: Can the receiving facility start out as a paper only facility on June 30, 2018 and then switch to an electronic facility?

ADEQ Response: EPA has issued an extension giving receiving facilities until September 30, 2018 to adjust to the new requirements.

Question Asked: The e-manifest system will not affect the requirement for generators to send final manifests to ADEQ, correct?

ADEQ Response: Generators that wish to submit a copy to the state, may still do so, but it will not be required as the state will be pulling data from EPA's e-manifest system.

Question asked: If the TSDF has a scanned copy of a manifest it is considered a paper manifest.

ADEQ Response: This is what EPA refers to as a scanned image file and does incur higher fees than an electronic or hybrid submission.

Question Asked: Are PCBs required to be on e-Manifests?

ADEQ Response: Yes.

Question Asked: What if there is a mistake on the e-manifest that requires correction?

ADEQ Response: You can edit your e-manifest on the system.

Question Asked: How will transporters be able to access the e-manifest, in the case of an accident or if emergency response needs it?

ADEQ Response: You will still be required to print out a manifest for the transport driver to satisfy US DOT requirements.

Question Asked: Are generators still required to submit manifests to ADEQ?

ADEQ Response: Generators that wish to submit a copy to ADEQ may still do so, but it will not be required as ADEQ will be pulling data from EPA's e-manifest system.

Question Asked: So up until June 30, generators will be required to submit the generator initial copy to ADEQ?

ADEQ Response: Up until June 30, 2018, generators are required to submit both the generator initial copy and the final copy. After June 30, 2018, generators that wish to submit a copy to ADEQ may still do so, but it will not be required as ADEQ will be pulling data from EPA's e-manifest system.

Question Asked: Will the generator be required to submit an exception letter if a TSDF signed copy of the manifest is not input into the e-manifest system within the required time frame?

ADEQ Response: Yes.

Question Asked: When ADEQ inspects a facility, will you be reviewing paper printed copies of e-manifests?

ADEQ Response: ADEQ inspectors are directed to use enforcement discretion. As long as viewing manifests, either electronically or on paper, is made available to inspectors, facilities will be in compliance.

Question Asked: The state of Arizona requires that one copy of each manifest be submitted to ADEQ; does this apply to CESQG/VSQG?

ADEQ Response: Generators that wish to submit a copy to ADEQ may still do. However CESQG/ VSQG are not required to submit manifests.

Question Asked: If the DSW is not incorporated now, will there be conflict with the federal rules?

ADEQ Response: Yes.

Additional comments received during the webinar:

By not adopting the DSW rule now, you will not be recognizing HSM and therefore companies will not be benefitting from relief provided by the EPA, in not having to manifest and use a hazardous waste transporter.

I am all for electronic reporting whenever it can be implemented. I would not want to delay that efficiency. So, as long as ADEQ is OK with pursuing the solid waste definition in the future, I have no concerns.